



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,290	06/01/2006	Simon PA Ringland	36-1990	3165
23117 7590 05/21/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
BORSETTL, GREG				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
05/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/581,290

**Applicant(s)**

RINGLAND ET AL.

**Examiner**

GREG A. BORSETTI

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Response to Amendment***

1. Claims 19-36 are pending.
2. Claims 19, 23, 27, 29, and 33 have been amended.
3. The objection to the title has been withdrawn.
4. The 35 USC 112 2<sup>nd</sup> paragraph rejections of claims 23 and 33 have been withdrawn.
5. The 35 USC 101 rejection of claim 27 is withdrawn.

#### ***Response to Arguments***

6. Applicant argues the 35 USC 101 rejections of the previous Office actions (Remarks, Bottom of Page 9 to the top of Page 10).
7. Firstly, the Examiner disagrees with applicant's assertion that claim 19 satisfies 35 USC 101. The method of claim 19 does not "transform" the audio stream to another state or thing. It performs an auxiliary process (speech recognition) to make a determination using the audio stream. Therefore, the audio stream is not "transformed" into another state or thing. The argument is not persuasive.
8. Applicant further argues "Hence, in Geilhufe, background noise and speech can be heard during this delay period and the devices are also able to listen for responses from other devices during this delay and it is, therefore, absolutely clear from Geilhufe's disclosure that the random delay is not caused by a shift from "transmission for input" to a "transmission for response" but is introduced for avoiding false detection of a name

during normal conversation or for avoiding conflicts between different devices.”

(Remarks, Page 11, ¶ 2) This is in response to the previous argument that “nowhere in the document is it indicated that a half-duplex system is, or could, be used” (Remarks, Page 13, ¶ 1 dated 9/17/2008) The Examiner still contends that although the random delay described in column 22, lines 57-65 does not expressly admit a half duplex system, it would have been obvious to someone of ordinary skill in the art at the time of the invention that it provided breaks between transmission that could accommodate a half-duplex architecture. The argument is not persuasive.

9. Applicant further argues “The Office Action also incorrectly states that a WLAN is a half duplex packet based system and since the system in Geilhufe can be connected to the Internet this also implies that the system in Geilhufe is half duplex. Applicants respectfully disagree for the follow reasons. WLAN may have a half duplex transport layer, but that is irrelevant. The half duplex nature that the Office Action is talking about is at completely the wrong layer in the IP stack. Applicants’ invention is concerned with a half duplex voice interaction which means that both people cannot talk at the same time. Most VoIP telephone calls will pass over some transport layer connection that is half duplex at some point, but they are still full duplex voice calls - both people can speak (and be heard) at the same time. Hence, the arguments and assertions that Geilhufe discloses a half-duplex system are not correct.” (Remarks, Page 11, ¶ 2) The claim language to which the argument refers to recites “if an intended receiver was determined, transmitting said audio to the determined intended receiver using a half-duplex communications service provided by a packet-switched network.” In the broadest

reasonable interpretation of the claim language, a WLAN wireless connection VoIP call (audio) will be transmitted using a half-duplex communication server over a packet switched network to a determined receiver. Vysotsky further provides the speech recognition for determination of the receiver. The argument is not persuasive.

10. Applicant further argues "Hence, Dailey does not disclose a determination step determining one or a plurality of intended receivers." (Remarks, Page 14, ¶ 1) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Geilhufe was used to teach a plurality of intended receivers in combination with Vysotsky and Dailey. The argument is not persuasive.

11. Applicant argues "Hence, a skilled person in the art implementing the teachings of Dailey into Vysotsky in order to enable Push-to-talk calls in Vysotsky, would end up with a system for group calls where the initial dialling phase using speech recognition is discarded and instead replaced with a system that broadcasts a message on a traffic channel to a predefined group of people. Accordingly, the skilled person in the art would be directed away from Applicants' invention by combining Vysotsky and Dailey and would definitely not end up with a method or system for "performing a speech recognition process on a received audio stream to recognize an utterance contained therein; determining, if possible, an intended receiver of the audio stream in dependence on the recognized utterance; and if an intended receiver was determined,

transmitting said audio stream to the determined intended receiver using a half-duplex communications service provided by a packet-switched network," as required by present claim 19" (Remarks, Page 15, ¶ 3)

In response to applicant's argument that the combination of Vysotsky and Dailey would not produce the instant invention, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The Examiner contends that it would have been obvious considering the speech recognition in Vysotsky to have the predefined groups be defined by speech recognition. The argument is not persuasive.

12. Applicant further argues "Applicants' system comprises a router server in a network; which the device in Vysotsky does not; and lastly the device in Vysotsky is arranged to perform an action in the response to the detection of a command by one of the speech recognition means; however, since no commands are ever uttered in Applicants' invention, this part of the Vysotsky device is definitely not included in the present invention." (Remarks, Page 16, ¶ 3)

The Examiner disagrees. Firstly, Dailey was provided to teach the router server in the communications network. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091,

231 USPQ 375 (Fed. Cir. 1986). Secondly, the identified name is a command in the instant invention. It is a command to determine the recipient. Even assuming, arguendo, that applicant's invention does not have commands, there is nothing in the claim language to limit the prior art to not include it.

13. Applicant further argues "However, in Geilhufe, all the appliances receive the audio, so the Examiner's use of the phrase "intended receiver" is misleading; "intended actioner" would be more accurate, e.g., there is no receiver specific audio routing in Geilhufe. Hence, combining the teachings of Vysotsky, Dailey and Geilhufe would not have lead to present claim 20." (Remarks, Page 17, ¶ 2)

The Examiner disagrees. The receiver (actioner) only responds if identified, therefore it teaches the claim language that there is a selection signal which identifies one or more determined receivers to which the message should be transmitted. Even if a selection signal and message is sent to all of the devices, Geilhufe still teaches the claim language because there is a selection signal indicating the intended receivers to which the message will be sent. The argument is not persuasive.

14. Applicant further argues " as stated above all devices in Geilhufe receive a command from a user although only a few of the devices will react by performing a task in accordance with the command; hence, there is no selection of devices followed by transmission to only the selected devices in Geilhufe" (Remarks, Page 17, ¶ 3) As is stated above, even if a selection signal and message is sent to all of the devices, Geilhufe still teaches the claim language because there is a selection signal indicating the intended receivers to which the message will be sent. The argument is not

persuasive.

15. Applicant further argues "The assertion that Geilhufe suggests that only the early part of the utterance has to be recognised applies a post-facto-analysis. Geilhufe says no such thing. Just because the appliance name is recognized in the early part of utterance doesn't mean that the system does not have to recognize the whole utterance, or indeed even know the result of the early part before finishing recognizing the whole thing. In fact, with the grammar specified in Geilhufe, the system would have no choice but to recognize the entire utterance before being able to determine the appliance name." (Remarks, Page 18, ¶ 1)

The Examiner disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Vysotsky was used in support of Geilhufe to teach the claim language. The Examiner contends that considering Vysotsky's speaker dependent name recognizer and knowing that that a directive is indicated early on in the audio stream, it would have been obvious to someone of ordinary skill in the art that the combination of Vysotsky and Geilhufe would teach that the speech recognizer operates only a portion (beginning of audio stream) of the audio stream to reduce recognition processes. Applicant further argues "A key advantage of Applicants' invention is that there is no separate dialling phase, but a user's phrase (utterance) is used for recognizing an intended receiver or receivers and then this same phrase is routed to



this recognized intended receiver or receivers, which results in quicker call setups. None of the cited references taken singly or in any combination enable this feature.” (Remarks, Page 18, ¶ 2)

16. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., no separate dialing phase) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The combination of references teaches the remaining limitations indicted in the above arguments.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term “tangible computer medium containing...” is not described in the specification to understand the metes and bounds of the claim

language. The examiner suggests using "data storage medium" instead which is clearly defined on page 4, lines 32-35.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

18. Claim(s) 19 is/are rejected under 35 USC 101 for being nonstatutory. Under the most recent interpretation of the Interim Guidelines regarding 35 U.S.C.101, a method claim must (1) be tied to another statutory class or (2) transform underlying subject matter to a different state or thing. If no transformation occurs, the claim(s) should positively recite the other statutory class to which it is tied to qualify as a statutory process under 35 U.S.C. 101. As for guidance to areas of statutory subject matter, see 35 U.S.C. 101 Interim Guidelines (with emphasis of the Clarification of "processes" under 35 USC 101); As an example, the claim(s) could identify the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 19, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491).

As per claim 19, Vysotsky teaches:

buffering the received message; (Vysotsky, column 4, lines 43-45, ...*The intelligent peripheral 124 includes first and second speech recognizer arrays 126, 128, an application processor 130, and a database 129...*, The first and second speech recognizer arrays would inherently have a buffer to temporarily store information while processing the inputted speech signal to compare it with known values in the database.)

performing a speech recognition process on the received voice message to recognize the utterance contained therein; (Vysotsky, column 6, lines 20-23, ...*upon receiving the speaker dependent templates from the application processor 130, the speech recognizer array 126, in step 312, signals its readiness to perform speech recognition...*, The speech recognizer array processes the received message to perform speech recognition, which is known in the art to recognize utterances.)

determining, if possible, an intended receiver of the message in dependence on the recognized utterance; (Vysotsky, column 10, lines 57-63, ...*using speaker independent speech recognition, the method progresses to step 424 and the call is completed with the customers calls being forwarded to the telephone number in the database 129 associated with the customer's template for the name John...*, This

occurs after the system has detected an input and processed it and further tried to confirm the command.)

Vysotsky fails to teach, but Dailey teaches:

routing at a router server in a communications network an audio stream containing an utterance when a user presses a button on a user device and starts to talk; (Dailey, column 7, lines 26-54, ...*push-to-talk (PTT) button 460...mobility server 616...*)

if an intended receiver was determined, transmitting said audio stream to the determined intended receiver using a half duplex communications service provided by a packet-switched network. (The determination and connection of a receiver is done by Vysotsky. Dailey, column 7, lines 26-42 teaches half-duplex communications. Dailey, column 1, lines 30-48 teach packetized data switching.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Dailey with the Vysotsky device to provide a voice dialing method for group calling where "By using half-duplex communications over a common traffic channel, the overhead associated with normal call setup and control procedures can be avoided" (Dailey, column 4, lines 44-46)

Claims 27 and 28 are rejected for the same reasons as claim 19. Vysotsky operates on computer hardware which inherently must be programmed by a computer readable medium.

Claim 29 is rejected for the same reasons as claim 19. Vysotsky, claim 10 teaches a device, which teaches a system corresponding to the method of claim 19.

20. Claims 20-24 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491) and further in view of Geilhufe et al. (US Patent # 6584439).

As per claim 20, claim 19 is incorporated and Vysotsky and Dailey fail to teach, but Geilhufe teaches:

indicating the one or more possible intended receivers to a user;  
(Geilhufe, column 9, lines 10-15, *...acoustic identification is accomplished by a user saying an identification phrase. An example of an identification phrase is "What is out there?" A voice controlled device may have one or more identification phrases. Any voice controlled device that hears its identification phrase responds to identify its presence...* The voice controlled devices indication in Geilhufe respond acoustically as the intended receivers which teaches the indication means in the instant application.

receiving a selection signal from the user indicating the one or more determined possible intended receivers to which the message should be transmitted.  
(Geilhufe, column 9, lines 40-42, *...in order to restrict which voice controlled devices respond to an identification phrase, a user may include a voice controlled device's name in the identification phrase...* The device's name identification is a selection signal that teaches the instant application.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 21, claim 20 is incorporated and Vysotsky teaches:

generating an audio speech prompt corresponding to the one or more possible intended receivers; and outputting the generated audio speech prompt to the user.

(Vysotsky, column 10, lines 48-53, *...in step 418, the customer is played a confirmation message, e.g., "Do you wish to forward your calls to John?" where the name John is generated by playing back the recording of the name associated in the database 129 with the template that was used to identify the name John in the received speech...*)

As per claim 22, claim 19 is incorporated and Vysotsky fails to teach, but Dailey teaches:

when the determining step determines a plurality of intended receivers, the message is transmitted to each of the determined receivers using a group call function of the half-duplex communications service; (Dailey, column 7, lines 36-42, *...according to an aspect of the present invention, receipt of a user input at the PTT*

*device 460 initiates a sequence of operations in which a call to a predetermined group of terminals is set up, all of which may occur without input at the keypad 430. According to other aspects of the present invention, the PTT device 460 controls half-duplex communications among terminals in a group call...* This teaches that there is a receiver determination means to determine a plurality of intended receivers in a group call in a half duplex communications service.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 23, claim 19 is incorporated and Vysotsky and Dailey fail to fully teach, but Geilhufe suggests:

wherein the speech recognition process is performed only on a portion of the received audio stream when the intended recipient is indicated at the beginning of the audio stream. (Geilhufe, column 19, lines 15-26, the standard syntax is for the name to be indicated early in the audio stream as a directive to identify the receiver. Therefore, if the speech recognizer only has to identify a directive with no commands (such as in the speaker dependent name recognition of Vysotsky), it would only have to recognize the audio stream for portion of the entire stream. Therefore it would have

been obvious to someone of ordinary skill in the art at the time of the invention to use Geilhufe's syntax structure to reduce recognition processes in the Vysotsky speaker dependent name recognizer.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 24, claim 19 is incorporated and Vysotsky teaches:

receiving an indication of the identity of a user who generated the message;  
(Vysotsky, column 5, lines 45-50, *...the arbiter 254, in turn, is coupled to a call completion and feature activation circuit 256 by a line 257 and by a voice verification circuit 255. Using this arrangement, voice verification is performed selectively when, for security purposes, it is important to verify the identity of a caller before responding to a particular command....*, A voice identification of the user teaches a means for receiving an indication of the identity of the user in the instant application.)

grammar selection means for selecting a user-dependent speech grammar for use by the speech recognition process in dependence on the identity of the user.  
(Vysotsky, column 8, lines 31-35, *...The speaker dependent speech recognition process, like the speaker independent speech recognition process, is based on hidden*



*Markov models (HM) with the use of grammars...*, The speaker dependent model is based on grammars where a voice verification ability has been disclosed in Vysotsky, column 5, lines 45-50. Thus, there would be a grammar selection means for selecting a user-dependent speech grammar dependent for the specific user if voice verification was performed on the individual.)

Claims 30-34 are rejected for the same reasons as claims 20-24. Vysotsky, claim 10 teaches a device, which teaches a system corresponding to the method of claims 20-24.

21. Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491) and further in view of Schrage. (US Patent #6744860).

As per claim 26, claim 19 is incorporated and Vysotsky teaches:

receiving audio streams transported by a communications service; and performing a speech recognition process on the received audio streams to determine the respective utterances contained therein; and (Vysotsky, column 6, lines 20-23, *...upon receiving the speaker dependent templates from the application processor 130, the speech recognizer array 126, in step 312, signals its readiness to perform speech recognition...*, The speech recognizer array processes the received message to perform speech recognition, which is known in the art to recognize

utterances.)

Vysotsky fails to fully teach, but Dailey teaches

the communications service being half-duplex; (Dailey, column 7, lines 26-42 teaches half-duplex communications.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Dailey with the Vysotsky device to provide a voice dialing method for group calling where "By using half-duplex communications over a common traffic channel, the overhead associated with normal call setup and control procedures can be avoided" (Dailey, column 4, lines 44-46)

Vysotsky and Dailey fail to teach, but Schrage teaches:

if it is determined that a predetermined utterance is contained in any of the audio streams, signaling that the half-duplex communications service should cease transporting the audio stream. (Schrage, column 2, lines 20-29, ...*When off-hook the speakerphone may monitor for a verbal hang-up command...*)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Schrage with the Vysotsky and Dailey device to have hands-free functionality for telephone operations because " The physical action of lifting a handset or pressing a button to initiate an off-hook condition can be difficult or impossible for some handicapped individuals" (Schrage, columns 1-2, lines 67 and 1-3) Furthermore, hands-free phone interaction has become popular especially in in-vehicle

operations for safety reasons.

Claim 36 is rejected for the same reasons as claim 26. Vysotsky, claim 10 teaches a device, which teaches a system corresponding to the method of claim 26.

22. Claims 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491) and further in view of Geilhufe et al. (US Patent # 6584439) and further in view of Salazar et al. (US Patent #5774841).

As per claim 25, claim 19 is incorporated and Vysotsky, Dailey, and Geilhufe fail to teach, but Salazar teaches:

receiving a speech recognition activation signal from a user, wherein the speech recognition and determining steps are performed in dependence on the receipt of such a signal. (Salazar, column 10, lines 27-29, ...*The PTT control signal causes gating of the audio into the speech recognizer 160 only when the PTT switch on the headset interface unit is depressed...*)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Salazar with the Vysotsky, Dailey, and Geilhufe device because the modification reduces misrecognitions, "This ensures that audio is recognized only when the user is speaking into the microphone to the ASRU" (Salazar, column 10, lines 29-32)

Claim 35 is rejected for the same reasons as claim 25. Vysotsky, claim 10 teaches a device, which teaches a system corresponding to the method of claim 25.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to PTO-892, Notice of References Cited for a listing of analogous art.

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **GREG A. BORSETTI** whose telephone number is (571)270-3885. The examiner can normally be reached on Monday - Thursday (8am - 5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg A. Borsetti/  
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/  
Primary Examiner, Art Unit 2626

5/19/2009